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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,766	12/26/2001	Jeffrey Rodman	199-0032US	5760
29855 7590 03/22/2007 WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			EXAMINER ENGLAND, DAVID E	
			ART UNIT 2143	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS			MAIL DATE 03/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/032,766

Applicant(s)

RODMAN ET AL.

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 42-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**DETAILED ACTION**

1. Claims 42 – 65 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 42-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker (US 2003/0035527).

4. Baker teaches claims:

5. 42. (new) A conference endpoint comprising:

6. a CPU; (202)

7. a telephone line interface for coupling said conference endpoint to a telephone line; (20, Fig. 1A, 10A, 10B, 10C)

8. a network interface for coupling said conference endpoint to a computer network; (Fig. 1A)

9. a microphone for generating near speech signals for transmission over said telephone line, said near speech signals being representative of speech of a near conference participant; (112, ¶ [0032])

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10. a speaker for converting to sound remote speech signals received from a remote device over said telephone line, said remote speech signals being representative of speech of at least one remote conference participant; (118, ¶ [0032])

11. a data conference initiation module, coupled to said network interface and to said telephone line interface for transmitting a data conference initiation request to a conference server over said computer network, for receiving a data conference code generated by said conference server, and for responsively transmitting over said telephone line a data conference invitation to said remote device, said conference invitation including information representative of said data conference code; and (¶ [0033])

12. a memory for storing one or more files containing conference data distributed by said conference server via said computer network during a data conference, wherein said CPU is coupled to said telephone line interface, said network interface, said data conference initiation module, and said memory. (¶ [0033])

13. 43. (new) The conference endpoint of claim 42, wherein said data conference initiation module transmits said conference initiation request in response to a predetermined user input. (604)

14. 44. (new) The conference endpoint of claim 42, further comprising a display device coupled to said network interface for displaying said conference data. (106)

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15. 45. (new) The conference endpoint of claim 42, wherein said conference data comprises video information. (122)

16. 46. (new) The conference endpoint of claim 42, wherein the data conference initiation module is further configured to transmit a conference join request to said conference server over said computer network responsive to a received conference invitation. (604)

17. 47. (new) The conference endpoint of claim 42, wherein said conference invitation comprises a string of Dual Tone Multi-Frequency (DTMF). (§ [0024])

18. 48. (new) The conference endpoint of claim 42, further comprising a web browser for displaying said conference data, wherein said conference data comprises text and graphical information. (§ [0037])

19. 49. (new) The conference endpoint of claim 42, wherein said data conference initiation module is further configured for transmitting over said computer network a data conference invitation to said remote device. (Fig.5; 410, 420)

20. 50. (new) A method for initiating and managing a data conference from a near conference endpoint, comprising: establishing a connection over a telephone line with at least one remote conference endpoint; transmitting a data conference initiation request to a conference server over a computer network; receiving from the conference server a unique data conference code

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corresponding to said data conference initiation request; generating an audio signal representative of said conference code; transmitting said audio signal to said at least one remote conference endpoint over said telephone network; and receiving one or more files containing conference data distributed by said conference server via said computer network during said data conference. (Claims 50-60 are similarly rejected as in claims 42-49)

21. 51. (new) The method of claim 50, wherein the act of generating an audio code comprises generating a string of DTMF tones. (Claim 51 is similarly rejected as in claims 42-49)

22. 52. (new) The method of claim 50, wherein the act of transmitting a data conference initiation request is predetermined in response to a predetermined user input. (Claim 52 is similarly rejected as in claims 42-49)

23. 53. (new) A method for initiating and managing a data conference at a conference server, the method comprising the acts of: receiving a conference initiation request from a conference endpoint over a computer network; generating a conference code in response to said conference initiation request; transmitting said conference code to said conference endpoint over the computer network; maintaining a list of data conference participants based on received data conference join requests from one or more conference endpoints; and distributing one or more files comprising conference data to said data conference participants over said computer network. (Claim 53 is similarly rejected as in claims 42-49)

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24. 54. (new) The method of claim 53, wherein the act of distributing one or more files comprising conference data comprises transmitting a web page. (410)

25. 55. (new) The method of claim 53, wherein said conference data is representative of a document. (§ [0021 ])

26. 56. (new) The method of claim 53, wherein said conference data is representative of a presentation slide. (slide 200)

27. 57. (new) The method of claim 53, further comprising the act of converting at least one of said one or more files from a first format to a second format. (§ [0033])

28. 58. (new) A machine readable medium having embodied thereon a program, the program being executable by a machine to perform method acts for coordinating a data conference utilizing electronic means, the method acts comprising: transmitting a data conference initiation request to a conference server over a computer network; receiving a conference code from said conference server over said computer network in response to said data conference initiation request; generating an audio signal representative of said conference code; transmitting said audio signal to at least one conference endpoint over a telephone line; and transmitting one or more files comprising conference data to said conference server for distribution to said at least one conference endpoint via said computer network during said data conference. (claim 58 is

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similarly rejected as in claim 42)

29. 59. (new) A machine readable medium having embodied thereon a program, the program being executable by a machine to perform method acts for coordinating a data conference utilizing electronic means, the method acts comprising: receiving an audio signal representative of a conference code from at least one conference endpoint over a telephone line; transmitting a data conference join request including said conference code to a conference server over a computer network in response to receiving said audio signal; and receiving one or more files comprising conference data distributed by said conference server via said computer network during said data conference. (claim 58 is similarly rejected as in claim 42)

30. 60. (new) A conference endpoint comprising:

31. a CPU;

32. a telephone line interface for coupling said conference endpoint to a telephone line;

33. a network interface for coupling said conference endpoint to a computer network;

34. a microphone for generating near speech signals for transmission over said telephone line, the near speech signals being representative of speech of a near conference participant;

35. a speaker for converting to sound remote speech signals received from a remote device over said telephone line, the remote speech signals being representative of speech of at least one remote conference participant; a data conference initiation module coupled to said network interface and to said telephone line interface and configured to receive over said telephone line interface from a remote conference endpoint a data conference invitation including information



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representative of a data conference code and further configured to transmit a data conference join request to a conference server over said computer network in response to the received conference invitation; and a memory for storing one or more files containing conference data distributed by said conference server via said computer network during a data conference, wherein said CPU is coupled to said telephone line interface, said network interface, said data conference initiation module, and said memory. (claim 58 is similarly rejected as in claim 42)

36. 61. (new) The conference endpoint of claim 60, further comprising a display device coupled to said network interface for displaying said conference data. (claim 61 is similarly rejected as in claims 42-48)

37. 62. (new) The conference endpoint of claim 60, wherein said conference data comprises video information. (claim 62 is similarly rejected as in claims 42-48)

38. 63. (new) The conference endpoint of claim 60, wherein said data conference invitation comprises a string of dual tone multi-frequency (DTMF) tones. (claim 63 is similarly rejected as in claims 42-48)

39. 64. (new) The conference endpoint of claim 60, further comprising a web browser for displaying said conference data, wherein said conference data comprises text and graphical information. (claim 64 is similarly rejected as in claims 42-48)

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40. 65. (new) The conference endpoint of claim 60, wherein said data conference initiation module is further configured for receiving over said computer network a data conference invitation from said remote conference endpoint. (claim 65 is similarly rejected as in claims 42-48)

***Response to Arguments***

41. Applicant's arguments filed 12/15/2006 have been fully considered but they are not persuasive.

42. **In the Remarks**, Applicant argues in substance Baker does not teach disclose endpoints as stated in claim 42, and points only to Figure 1A as recited by the Examiner. Furthermore, Applicant states that Baker's endpoint is not the same as the claimed invention because id does not and cannot include at least the following limitations: "a data conferencing initiation module... for transmitting a data conference initiation request to a conference server" (i.e., itself) "over said computer network." Furthermore, Baker fails to teach " a data conference initiation module... for receiving a data conference code generated by said conference server, and for responsively transmitting over said telephone line a data conference invitation to said remote device, said conference initiation including information representative of said data conference code."

43. As to the first Remark, Applicant is reminded, when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable

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inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

44. As can be seen in Figure 2, the prior art of Baker teaches the limitations of the Applicant's endpoint along with ¶s 0052 and 0053 as one of many areas that can be drawn from to teach the claimed invention.

45. Applicant's argument in regards to the limitation of data conference code, fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

46. As to the other Remarks stated by the Applicant, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

*Conclusion*

47. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

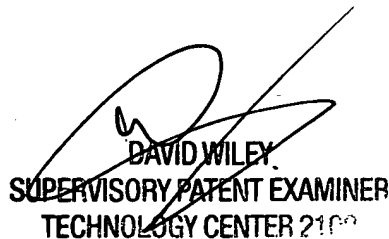
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England  
Examiner  
Art Unit 2143

DE



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2143